

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CITY OF PROVIDENCE, RHODE ISLAND,
Individually and on Behalf of Others Similarly
Situating,

Plaintiff,

-against-

BATS GLOBAL MARKETS, INC., *et al.*,

Defendants.

Civil Action No. 14-cv-2811 (JMF)

AMERICAN EUROPEAN INSURANCE
COMPANY, Individually and on Behalf of
Others Similarly Situated,

Plaintiff,

-against-

BATS GLOBAL MARKETS, INC., *et al.*,

Defendants.

Civil Action No. 14-cv-3133 (JMF)

HAREL INSURANCE CO., LTD.,
Individually and on Behalf of Others Similarly
Situating,

Plaintiff,

-against-

BATS GLOBAL MARKETS, INC., *et al.*,

Defendants.

Civil Action No. 14-cv-3608 (JMF)

JAMES J. FLYNN and DOMINIC A.
MORELLI, Individually and on behalf of all
others similarly situated,

Plaintiffs,

-against-

BANK OF AMERICA CORPORATION, *et al.*,

Defendants.

Civil Action No. 14-cv-4321 (JMF)

**NOTICE OF NON-OPPOSITION TO THE INSTITUTIONAL
INVESTORS' MOTION FOR CONSOLIDATION, APPOINTMENT
AS LEAD PLAINTIFF, AND APPROVAL OF SELECTION OF COUNSEL**

Plaintiffs James J. Flynn and Dominic A. Morelli (the “Flynn Plaintiffs”) respectfully submit this notice of non-opposition with respect to the pending motion (Dkt. No. 167) by City of Providence, Rhode Island, Plumbers and Pipefitters National Pension Fund, Employees’ Retirement of the Government of the Virgin Islands, State-Boston Retirement System and Första AP-fonden (collectively, the “Institutional Investors”) for consolidation, appointment as Lead Plaintiff and approval of selection of Lead Counsel.

On June 17, 2014, the Flynn Plaintiffs filed a Motion to consolidate the above-captioned related actions, to be appointed Lead Plaintiffs, and to have their counsel approved as Lead Counsel for the Class. *See* Dkt. No. 173. Two other similar motions were filed that day by: (1) the Institutional Investors, *see* Dkt. No. 167; and (2) Applied Financial Science, Inc., *see* Dkt. No. 170.

Having reviewed the competing motions, the Flynn Plaintiffs acknowledge that the Institutional Investors possess the “largest financial interest in the relief sought by the class,” as required by the Private Securities Litigation Reform Act of 1995, and meet the other requirements for appointment under Rule 23 of the Federal Rules of Civil Procedure. 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I)(bb).

For all of these reasons, the Flynn Plaintiffs support the lead plaintiff motion of the Institutional Investors. However, if for any reason the Institutional Investors’ motion is not granted, the Flynn Plaintiffs stand ready, willing, and able to represent the Class as Lead Plaintiffs. The Flynn Plaintiffs reserve any and all rights to share in any recovery in this action.

Dated: June 30, 2014

Respectfully submitted,

By: /s/ Victor E. Stewart

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